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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/125,102	04/19/1999	AKIRA TAKANO	450104-4266	7426

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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/125,102

Applicant(s)

TAKANO, AKIRA

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because fig. 3, item 25 shows a legend of "Channel Coading Section." It is the Examiner's opinion that the legend should read --Channel Coding Section--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Disclosure

2. The disclosure is objected to because the drawings indicate that there are 34 pages. Only the first 33 pages have been provided.

Furthermore, it has been viewed that the priority document comprises 34 pages of drawings.

Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite in that it contains the following language: "based on said index information of said index information and said additional information..." This language is confusing to the Examiner because it can be construed either as a stenographic error, or as index information containing additional index

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information, which is not described. For purposes of this Office Action, the Examiner has construed this language as being a stenographic error, and should read, "based on said index information and said additional information..."

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is indefinite in that it contains the following language: "based on said index information of said index information for specifying a point..." This language is confusing to the Examiner because it can be construed either as a stenographic error, or as index information containing additional index information, which is not described. For purposes of this Office Action, the Examiner has construed this language as being a stenographic error, and should read, "based on said index information for specifying a point..."

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is indefinite in that it contains the following language: "wherein said index picture information modifying means modifies an unmodified index picture information recorded on said recording medium is fetched." This language is confusing to the Examiner because it is unclear whether the index picture is modified or fetched or both. For purposes of this Office Action, the Examiner has construed the term "is fetched" to be extraneous and disregarded it.

Claim Objections

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7. Claim 17 is objected to because of the following informalities: Claim 17 contains the following language: "wherein said index picture information modifying records the modified index picture information..." It is the Examiner's opinion that the text should read --wherein said index picture information modifying means records the modified index picture information...-- Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al (5,703,994).

Regarding claims 1 and 2, Lee et al describe an index picture generating method comprising the steps of:

- recording an index information (Fig 10, step 130-2 "Input and Store Modified Index Data") for specifying a point or an area (Fig 4B shows control track data containing address data) which is located on a recording medium (fig 4A illustrates a magnetic recording tape) and serves as an index upon edition and an additional information concerning attributes of a video information (Col 9, line 19, "the stored program title") at the point or area specified by the index information on at least one of a recording medium used to record a video information and a memory accompanying the recording medium upon at least

one of the recording and reproduction of the video information (Col 7, line 34

"In the index/program recording step...the index is recorded"); and

- based on at least the index information and the additional information recorded on at least one of the recording medium and the memory, selecting an index picture used for edition from video information on the recording medium and generating an index picture information used for easily displaying the index picture to record the index picture information on the recording medium (Col 8, lines 48-50 "detecting and displaying...index data in the index reproducing mode, selecting and reproducing...a program").

Regarding claim 3, Lee et al describe an index picture generating apparatus comprising:

- an index picture information generating means for, based on at least an index information for specifying a point or an area located on a recording medium serving as an index upon edition and an additional information concerning attributes of a video information at the point or area specified by the index information which are recorded (Fig 10, step 130-2 "Input and Store Modified Index Data"), selecting an index picture used for edition from video information on the recording medium to generate an index picture information used for easily displaying the index picture (Col 8, lines 49-50 "detecting and displaying...index data in the index reproducing mode"); and
- an index picture information recording means for recording the index picture information generated by the index picture information recording means on

the recording medium (Col 7, line 34 "In the index/program recording step...the index is recorded").

Regarding claim 4, Lee et al describe an index picture generating apparatus, wherein when the index picture information is recorded on the recording medium, the index picture information recording means records information for specifying a recording position of the index picture information on the recording medium on at least one of the recording medium and the memory (Col 7, lines 46-52 "the index editing step comprises substeps of...editing or modifying the index..., and storing the edited or modified index").

Regarding claim 5, Lee et al describe an index picture generating method comprising the steps of:

- recording an index information for specifying a point which is located on a recording medium and serves as an index upon edition on at least one of a recording medium used to record a video information and a memory accompanying the recording medium (Col 7, lines 32-34 "in the index/program recording steps...the index is recorded...after the program is recorded"); and
- based on at least the index information recorded on at least one of the recording medium and the memory, selecting an index picture used for edition from video information on the recording medium and generating an index picture information used for easily displaying the index picture to record the index picture information on the recording medium (Col 8, lines 48-55

“detecting and displaying index data..., selecting and reproducing a program according to the displayed index..., storing a new index”).

Regarding claim 6, Lee et al describe an index picture generating method, wherein when the index picture information is recorded on the recording medium, information for specifying a recording position of the index picture information on the recording medium is recorded on at least one of the recording medium and the memory (Col 8, lines 56-58 “moving to where the index is recorded on the video tape...and recording the stored new index”).

Regarding claim 7, Lee et al describe an index picture generating apparatus comprising:

- an index picture information recording means for, by using a recording medium where an index information for specifying an optional point which is located on a recording medium and serves as an index upon edition on at least one of a recording medium where a video information is recorded and a memory accompanying the recording medium, based on at least the index information recorded on at least one of the recording medium and the memory, selecting an index picture used for edition from video information on the recording medium and generating an index picture information used for easily displaying the index picture to record it on the recording medium (Col 8, lines 48-55 “detecting and displaying index data..., selecting and reproducing a program according to the displayed index..., storing a new index”).

Regarding claim 8, Lee et al describe an index picture generating method, wherein when the index picture information recording means records information of specifying a recording position of the index picture information on the recording medium on at least one of the recording medium and the memory (Col 8, line 54 "storing a new index").

Regarding claim 9, Lee et al describe an index picture information modifying method comprising the steps of:

- an index picture information modifying step of modifying an index picture information which is used for easily displaying an index picture used for edition of video information and which is recorded on a recording medium where the video information is recorded (Col 8, lines 48-57 "This index/program reproducing step includes the sub-steps of detecting and displaying index data in the index reproducing mode, selecting and reproducing a program according to the displayed index..., storing a new index"); and
- an index picture storing step of recording the modified index picture information on the recording medium (Col 8, lines 56-58 "moving to where the index is recorded on the video tape..., and recording the stored new index").

Regarding claim 10, Lee et al describe an index picture information modifying method, wherein in the index picture information modifying step, an unmodified index picture information recorded on the recording medium is fetched, and the index picture information is modified by using the unmodified index picture information (Col 8, lines

48-55 "This index/program reproducing step includes the sub-steps of detecting and displaying index data..., selecting and reproducing a program according to the displayed index, storing a new index if the user requires index data modification").

Regarding claim 11, Lee et al describe an index picture information modifying method wherein in the index picture information modifying step, an unmodified index picture information is generated based on an index information serving as an index for edition of video information, and an index picture information is modified by using the unmodified index picture information (Col 8 lines 48-55 "This index/program reproducing step includes the sub-steps of detecting and displaying index data..., selecting and reproducing a program according to the displayed index, storing a new index if the user requires index data modification").

Regarding claim 12, Lee et al describe an index picture information modifying method wherein in the index picture information modifying step, the modified index picture information is recorded independently of the unmodified index picture information (Col 8, lines 44-47 "In the index/program reproducing step, a program selected by the user is reproduced according to the index recorded on the video tape in the index reproducing mode, and a modified index is recorded").

Regarding claim 13, Lee et al describe an index picture information modifying method wherein in the index picture information modifying step, the modified index picture information is overwritten on a portion of the recording medium where the unmodified index picture information is recorded (Col 8, lines 56-58 "moving to where the index is recorded on the video tape..., and recording the stored new index").

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Regarding claim 14, Lee et al describe an index picture information modifying apparatus comprising:

- an index picture information modifying means for modifying an index picture information which is used for easily displaying an index picture used for edition of video information and which is recorded on a recording medium where the video information is recorded (Col 7, lines 34-35 "The index/program recording stem includes substeps of editing, modifying, and storing the index"); and
- an index picture storing means for recording the index picture information modified by the index picture information modifying means on the recording medium (Col 8, lines 54-58 "storing a new index if the user requires index data modification and...recording the stored new index").

Regarding claim 15, Lee et al describe an index picture information modifying method wherein the index picture information modifying means modifies an unmodified index picture information recorded on the recording medium, and the index picture information by using the unmodified index picture information (Col 8, lines 44-47 "In the index/program reproducing step, a program selected by the user is reproduced according to the index recorded on the video tape in the index reproducing mode, and a modified index is recorded").

Regarding claim 16, Lee et al describe an index picture information modifying method wherein the index picture information modifying means generates an unmodified index picture information based on an index information serving as an index

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for edition of video information, and modifies an index picture information by using the unmodified index picture information (Col 6, lines 55-57 "index code processor reads the index data of memory and provides the start code and end code, forming an index data frame").

Regarding claim 17, Lee et al describe an index picture information modifying method wherein the index picture information modifying means records the modified index picture information independently of the unmodified index picture information (Col 8, lines 44-47 "In the index/program reproducing step, a program selected by the user is reproduced according to the index recorded on the video tape in the index reproducing mode, and a modified index is recorded").

Regarding claim 18, Lee et al describe an index picture information modifying method wherein the index picture information modifying overwrites the modified index picture information on a portion of the recording medium where the unmodified index picture information is recorded (Col 8, lines 56-58 "moving to where the index is recorded on the video tape..., and recording the stored new index").

Regarding claim 19, Lee et al describe an edition auxiliary information modifying method comprising the steps of:

- modifying an edition auxiliary information used for generating an index picture information used for easily displaying an index picture serving as an index for edition of the video information (Col 8, lines 49-50 "detecting and displaying...index data in the index reproducing mode"), used for edition and recorded on at least one of a recording medium where the video information

is recorded and a memory accompanying the recording medium (Col 8, lines 45-46 "a program selected by the user is reproduced according to the index recorded on the video tape"), and

- recording the modified edition auxiliary information on at least one of the recording medium and the memory (Col 8, lines 57-58 "recording the stored new index").

Regarding claim 20, Lee et al describe an edition auxiliary information modifying method wherein the edition auxiliary information includes an index information for specifying a point or an area on a recording medium which serves as an index used upon edition (Col 5, lines 36-37 "Information contained in the index data is...the address and contents of a program recorded on the tape").

Regarding claim 21, see Examiner's comments regarding claim 20.

Regarding claim 22, Lee et al describe an edition auxiliary information modifying method comprising:

- an edition auxiliary information modifying means for modifying an edition auxiliary information used for generating an index picture information used for easily displaying an index picture serving as an index for edition of the video information, used for edition and recorded on at least one of a recording medium where the video information is recorded and a memory accompanying the recording medium (Fig 10 shows a flow chart that shows the index modifying and storing means), and

- an edition auxiliary information recording means for recording the edition auxiliary information modified by the edition auxiliary information modifying means on at least one of the recording medium and the memory (Fig 10, step 133 "Record New Index Data").

Regarding claim 23, Lee et al describe an edition auxiliary information modifying method wherein the edition auxiliary information includes an index information for specifying a point or an area on a recording medium which serves as an index used upon edition (Col 5, lines 36-37 "Information contained in the index data is...the address and contents of a program recorded on the tape").

Regarding claim 24, Lee et al describe an edition auxiliary information modifying method wherein the edition auxiliary information includes an additional information concerning an attribute of a video information in a point or an area specified by the index information (Col 4, lines 46-48 "Remote controller...displays the title of a currently reproduced program on the screen during reproduction." The title of the program is considered to be an attribute of the video information by the Examiner).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

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or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
May 29, 2002


VINCENT BOCCIO
PRIMARY EXAMINER